

## Article - Natural Resources

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§8–1808.5.

(a) (1) In this section, “community pier” means a boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple-family dwelling units.

(2) “Community pier” does not include a private pier or a mooring.

(b) This section applies notwithstanding:

(1) Any other provision of this subtitle; and

(2) Any criteria or regulation adopted by the Commission under this subtitle.

(c) Subject to the requirements under subsection (d) of this section, a new or expanded community pier or other noncommercial boat docking or storage facility may be permitted in the buffer if:

(1) The facility:

(i) Is water dependent;

(ii) Meets a recognized private right or public need;

(iii) Is community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and

(iv) Is associated with a residential development approved by the local jurisdiction for the Critical Area and is consistent with all criteria and local regulations for the Critical Area;

(2) Adverse effects on water quality and fish, plant, and wildlife habitat are minimized;

(3) Insofar as possible, nonwater dependent structures or operations associated with water dependent projects or activities are located outside the buffer;

(4) Disturbance to the buffer is the minimum necessary to provide a single point of access to the facility;

(5) Food, fuel, or other goods and services are not offered for sale, and adequate and clean sanitary facilities are provided; and

(6) When a community pier with slips is provided as part of a new development project, private piers are not permitted in the development area.

(d) The number of slips permitted at a facility shall be the lesser of the following:

(1) One slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or

(2) A density of slips to platted lots or dwellings within a subdivision in the critical area in accordance with the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 - 40	15 or 75%, whichever is greater
41 - 100	30 or 50%, whichever is greater
101 - 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

(e) A local jurisdiction may grant a variance from the provisions of this section in accordance with regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11 and notification of project applications set forth in COMAR 27.03.01.

(f) On or before December 31, 1994, a local jurisdiction shall amend its local critical area protection program to meet the provisions of this section.

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